

PAT-7985US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hiroyasu Fujinaka : Art Unit: 2834
Serial No.: 09/607,103 : Examiner: T. Lam
Filed: June 29, 2000 :
FOR: MOTOR CORE AND MOTOR USING :
THE SAME :

PETITION FOR RECONSIDERATION OF
RESTRICTION REQUIREMENT 37 C.F.R. 1.181

Assistant Commissioner for Patents
Washington, D.C. 20231
S I R :

In the election requirement dated September 5, 2002, it was indicated that the application contains claims directed to twenty-four (24) patentably distinct species.

In response, Applicant elected for further prosecution the claims corresponding to Species A. Applicant indicated that Applicant believed that claims 1 and 42 correspond to Species A. This election was made with traverse.

On September 26, 2002, Applicant also requested that the Restriction Requirement be reconsidered due to various errors in the Requirement. In Response the Examiner made the Requirement Final and based his reasoning on that Applicant was not persuasive because "applicant specifically fails to pin point which figures are omitted in the restriction requirement and why the requirement are [sic] error." Applicant addresses the Examiner's response below.

1) The Examiner matched only some of the figures and embodiments to the listed Species A-Y while other figures are omitted from the Requirement. Specifically, the Examiner omitted any reference to Figures 11A-11C; 37A-37C; 38A-38B; 47A-47D; and 49A-49D.

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2) The Examiner also did not consider the common point of novelty between the various claims as set forth in Applicant's Response filed on May 1, 2002.

For these reasons the Restriction Requirement is erroneous and should either be withdrawn or restructured as set forth below.

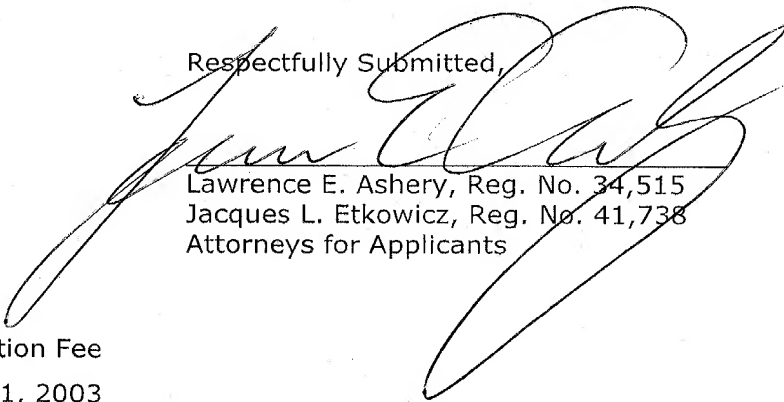
Furthermore, if an Election/Restriction is deemed proper, Applicant respectfully asserts that it would be appropriate to designate the claims, if at all, as corresponding to two groups, namely Group I (Figs. 1-40 and 44-50) and Group II (Figs. 41-43). Claim 1 is a generic claim corresponding to the core and claim 42 is a generic claim corresponding to the motor. Claim 16 is generic to claims 2 and 15. Claim 45 is generic to claims 43 and 44.

Notwithstanding the above, and as readily acknowledged by the Examiner, claims 1 and 42 are generic. Specifically, claim 1 is generic to claims 16, 17, and 35 and claim 42 is generic to claims 45, 46, and 48. Claims 2 and 15 are generic to claim 16 while claims 43 and 44 are generic to claim 45.

Thus, while claims 1 and 42 are readable on Species A, Applicants respectfully assert that, if the application is subject to Election/Restriction, a Species corresponding to Figs. 1-40 and 44-50 should have appeared in the election requirement and that Applicants would have elected claims 1, 2, 15, 16, 17, 35, 42, 45, 43, 44, 46, and 48 if given the opportunity to make such an election.

The Petition Fee under 37 C.F.R. 1.17(h) is enclosed.

Respectfully Submitted,


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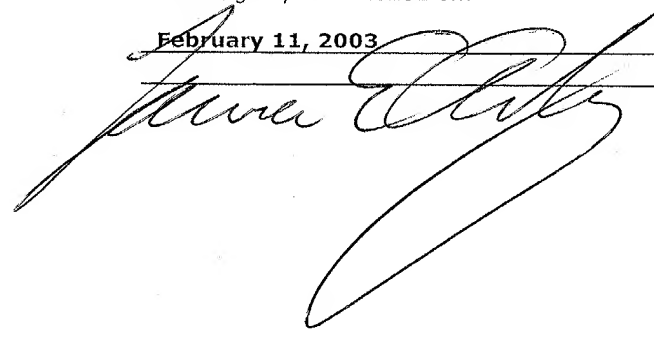
Enclosure: Petition Fee

Dated: February 11, 2003

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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:


February 11, 2003